

**ARTICLE III. SUBURBAN BUSES\*****DIVISION 1. GENERALLY****Sec. 46-136. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Director* shall mean the director of finance and administration or his designee(s).
- (2) *Driver* shall mean the person who actually drives and manages a bus upon the streets.
- (3) *Operator* shall mean the person, firm or corporation owning a bus or having such interest therein as entitles him to the rights of an owner thereof, unless the context requires a different meaning.
- (4) *Street* shall include any street, alley, avenue, lane, public place, square or highway within the corporate limits of the city.
- (5) *Suburban bus* shall mean any motor vehicle designed or adapted and used for the transportation of passengers, and operated for hire, over the public streets of the city, which takes passengers from suburban points without the city limits to points within the city limits or from points within the city limits to suburban points without the city limits.

(Code 1968, § 43-1; Ord. No. 86-528, § 22, 4-22-86)

**Sec. 46-137. Compliance with article.**

No operator of any suburban bus or any line of suburban buses shall permit or cause to be driven, nor shall any driver of any suburban bus drive, on any street of the city any bus which does not comply with all of the provisions of this article. It shall be a violation of this article on the part of any operator of a suburban bus or line of subur-

\*Cross references—Shelters for users of public transportation, § 40-200 et seq.; authority of traffic engineer to designate public carrier stops and zones, § 45-129; restricted access lanes for certain mass transportation vehicles, § 45-337 et seq.; standing and parking of buses, § 45-131.

ban buses and on the part of any driver of a suburban bus to fail to comply and to fail to require compliance with any of the provisions of this article.

(Code 1968, § 43-2)

**Sec. 46-138. Compliance with other ordinances and laws.**

Notwithstanding any provision of this article or the granting of any franchise under this article in the operation of any suburban bus, every person in any manner connected therewith shall conform to and observe all present and all future ordinances of the city and all laws of the state applicable to the operation of motor vehicles.

(Code 1968, § 43-3)

**Sec. 46-139. Operation subject to director's regulations.**

Notwithstanding the granting of any franchise under this article, every person connected with the operation of any suburban bus shall be subject to the control of the director and shall observe such reasonable regulations as he may from time to time prescribe with respect to the safety and sanitary condition of such buses, the frequency of services, routes and schedules and all other matters affecting the protection of the public.

(Code 1968, § 43-4)

**Sec. 46-140. Insurance.**

(a) Notwithstanding any other provision of this article to the contrary, no franchise issued under this article shall become effective until the person to whom such franchise is granted shall have filed with the director a standard policy of public liability and property damage insurance executed by an insurance company duly and legally authorized to do business in the state, such policy to be performed in the city and to be approved by the director, insuring the general public against any loss or damage that may result to any person or property from the operation of suburban buses covered by such franchise.

(b) The public liability and property damage insurance herein provided for shall have limits of not less than the following amounts for bodily injuries to or death of any person or persons:

<i>Seating Capacity (Passengers)</i>	<i>Limit for Bodily Injuries to or Death of One Person</i>	<i>Limit for Bodily Injuries to or Death of All Per- sons Injured or Killed in Any One Accident, Subject to a Maximum of \$5000.00 for Bodily Injuries to or Death of One Person</i>
7 or less . . . . .	\$5,000.00	\$15,000.00
8 to 12 . . . . .	5,000.00	20,000.00
13 to 20 . . . . .	5,000.00	30,000.00
21 to 30 . . . . .	5,000.00	40,000.00
31 or more . . . . .	5,000.00	50,000.00

For the injury to or destruction of property in any one accident, the limit of liability shall not be less than \$1,000.00.

(c) Such insurance shall be for the protection of the passengers of such suburban bus or buses as well as for the general public, but shall not cover personal injury sustained by the servants, agents or employees of the person filing same. The policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon.

(d) If the director shall determine, after a hearing duly had, and after ten days' notice is given the operator that any standard policy of insurance as filed by the operator has become impaired so as to afford less protection to the public than when originally filed, he shall require a new or additional policy so as to bring the protection of such insurance to its original amount, and the operator shall have five days after receiving written notice of such requirement to provide the required new or additional policy. In the event such operator fails to provide the additional policy required, his franchise shall automatically terminate and expire.

(e) If any insurer desires to be released from any insurance policy filed under this section, he may do so by giving written notice to the director at least 30 days before he desires to be released from the liability, and the director shall thereupon give written notice by registered mail to the operator and demand that such operator furnish new insurance by the expiration of the policy herein provided for, and shall discharge the first

insurer from any liability which shall accrue after the time of approval of the new policies furnished by the operator. If any policy is cancelled as herein provided or expires and no new policy is filed by the operator before the cancellation or expiration of the original insurance, the franchise of such operator for the operation of suburban buses shall automatically terminate and expire.

(f) Neither the city nor any of its officers shall be liable for the pecuniary responsibility or solvency of any such insurance or in any manner become liable for any sum on account of such claim or act of omission nor for any failure on the part of any of its officers or employees to have required either strict or substantial compliance by any operator with any of the provisions of this chapter.

(Code 1968, § 43-5)

#### **Sec. 46-141. Certificate of self-insurance in lieu of insurance.**

(a) A suburban bus operator may, in lieu of the insurance requirements provided for in section 46-140 of this Code, file with the director a certificate of self-insurance issued by the state department of public safety in accordance with the provisions of the Texas Motor Vehicle Safety-Responsibility Act. In the event of the cancellation at any time of the certificate of self-insurance, the right of the holder of the suburban bus franchise to operate buses thereunder on the streets of the city shall automatically be suspended and shall remain suspended until the restoration of the certificate of self-insurance or until the holder of the franchise complies with all the provisions of section 46-140 of this Code concerning liability insurance.

(b) This section does not and shall not be construed to reduce the minimum insurance requirements of section 46-140 based on seating capacity. The certificate of self-insurance shall only be accepted in lieu of an insurance policy in an amount

which would be required to establish "proof of financial responsibility," as defined in subsection 10 of section 1 of article 1 of the Texas Motor Vehicle Safety-Responsibility Act, and any excess over that amount must be supplied by a policy of insurance.

(Code 1968, § 43-6)

#### **Sec. 46-142. Maintenance.**

All suburban buses shall be maintained in a safe and sanitary condition and every suburban bus shall be thoroughly cleaned and disinfected at least once in each twenty-four-hour period.

(Code 1968, § 43-7)

#### **Sec. 46-143. Equipment.**

All suburban buses shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights which shall always be in good working condition and which shall be lit from one-half hour after sunset to one-half hour before sunrise while and if the bus is being driven and four-wheel brakes which may be either hydraulic or air brakes and which shall always be kept in first-class working order.

(Code 1968, § 43-8)

#### **Sec. 46-144. Rates and charges.**

Notwithstanding other provisions of this article, and notwithstanding the granting of any franchise pursuant to this article, the rates to be charged by the operator of any suburban bus or line of suburban buses shall and may be fixed and determined from time to time by the city council and such rates may be changed from time to time by the city council where passengers are transported for hire wholly within the city limits. Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or otherwise affect the validity of any ordinance fixing such rates.

(Code 1968, § 43-9)

#### **Sec. 46-145. Posting of rates and routes.**

Every suburban bus shall have posted in a conspicuous place in the bus the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear

thereof, or on both sides, a serial bus number indicating the bus route in accordance with such classification and enumeration of routes as the director may devise and order.

(Code 1968, § 43-10)

**Cross reference**—Standing and parking of buses, § 45-131.

#### **Sec. 46-146. Inspection; correction of defects.**

The director, or his duly appointed representative, may at any time make tests and inspections of all suburban buses, and if, as a result of such inspection, any bus is found to be in an unsatisfactory condition, the owner or operator thereof shall be notified of the defects observed and shall immediately correct same to the satisfaction of the director. If the director finds any suburban bus to be unfit or unsafe for the carriage of passengers, he shall forthwith notify the operator of such bus or line of buses and such operator shall not thereafter cause or permit such bus to be operated on any street of the city until it has been made safe for the carriage of passengers. The director and any employee whom he may designate to the duty of inspection of buses shall be given free and ready access to all suburban buses.

(Code 1968, § 43-11)

#### **Sec. 46-147. Drivers not to smoke or use tobacco.**

Drivers of suburban buses shall not smoke or use tobacco during the time they are driving such buses.

(Code 1968, § 43-12)

**Cross reference**—Smoking in buses generally, § 28-27.

#### **Sec. 46-148. Maximum shifts for drivers.**

No driver of a suburban bus shall drive the bus for more than twelve (12) hours in any twenty-four-hour period and no owner of any suburban bus shall permit any person to drive such bus more than twelve (12) hours in any twenty-four-hour period.

(Code 1968, § 43-14)

#### **Sec. 46-149. Doors to be closed while in motion.**

The doors of a suburban bus shall be securely closed at all times while the bus is in motion.

(Code 1968, § 43-15)

**Sec. 46-150. Receipt or discharge of passengers generally.**

Suburban bus passengers shall not be received or discharged in the traveled portion of any street, but if passengers are to be received or discharged, the driver shall pull the bus to the curb and discharge the passengers on the side of the bus immediately against the curb.  
(Code 1968, § 43-16)

**Cross references**—Authority of traffic engineer to designate public carrier stops and zones generally, § 45-129; standing or parking of buses, § 45-131.

**Sec. 46-151. Designation of loading points.**

Notwithstanding any provision of this article or any franchise granted under this article, the city reserves the right, by ordinance or by rule or regulation promulgated pursuant to any ordinance in effect at this time or hereafter passed, to designate certain areas within the city and certain portions of certain streets within the city within and upon which passengers may not be loaded or discharged by any suburban bus except at loading points to be so designated and to provide by penal ordinance for the prevention of loading or unloading within such areas or upon such streets except at such designated loading points.  
(Code 1968, § 43-17)

**Cross references**—Authority of traffic engineer to designate public carrier stops and zones generally, § 45-129; standing or parking of buses, § 46-131.

**Sec. 46-152. Intoxicated passengers; indecent language by passengers.**

No person who is intoxicated shall be permitted to enter or ride in a suburban bus, and no person shall curse or swear or use any indecent language in any suburban bus. It shall be the duty of the driver of any suburban bus to eject from such bus any person violating this section or to report such violation to a peace officer at the first opportunity.  
(Code 1968, § 43-18)

**Sec. 46-153. Passengers not to ride on outside or block driver's vision.**

No driver of a suburban bus shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the bus, nor shall he permit any

passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.  
(Code 1968, § 43-19)

**Sec. 46-154. Conversation between driver and passengers.**

No driver of any suburban bus shall converse with any passenger while the bus is in motion except to give necessary information, but he shall give his entire attention to the operation of the bus while the same is in motion. A sign or poster shall be carried in plain view of all passengers on a suburban bus stating: "No passenger shall converse with the driver, while the bus is in motion."  
(Code 1968, § 43-20)

**Sec. 46-155. Accident reports.**

Suburban bus operators shall make immediate report to the director of each and every accident in which any suburban bus is involved. Such report shall give the time and place of the accident, the number and names of all persons injured or killed, both passengers and nonpassengers.  
(Code 1968, § 43-21)

**Cross reference**—Vehicle accidents generally, § 45-286 et seq.

**Sec. 46-156. Right of city to regulate operation of vehicles.**

Notwithstanding other provisions of this article or any franchise granted under this article, the city reserves the right, by ordinance or any other lawful rule or regulation, to regulate the operation of all motor vehicles on the streets of the city.  
(Code 1968, § 43-22)

**Cross reference**—Traffic, Ch. 45.

**Sec. 46-157. Appeals.**

(a) Any person dissatisfied with any order, rule or regulation of the director made by him pursuant to any provision of this article shall have the same right of appeal to the city council which is provided by section 46-171 of this Code for appeals from his refusal to grant a certificate of public necessity and convenience, all of which appeals shall be perfected in the manner therein

provided and shall be acted upon by the city council in the manner therein provided. Any appeal from any order, rule or decision of the director shall be perfected within ten (10) days from the date of the order, rule or regulation appealed from, and not thereafter.

(b) Upon the application of any person aggrieved by or dissatisfied by a rule, order or regulation made by the director pursuant to any provision of this article, the mayor may, if in his opinion the public safety or welfare will not be endangered by a temporary stay thereof, stay the effect and force of such rule, regulation or order pending appeal therefrom as hereinabove provided or pending the lapse of time within which to perfect an appeal. (Code 1968, § 43-23)

**Secs. 46-158—46-165. Reserved.**

## DIVISION 2. FRANCHISE

### **Sec. 46-166. Required.**

It shall be unlawful for any person to operate a suburban bus in the city unless such person holds a franchise authorizing such operation issued as provided for in this division. (Code 1968, § 43-34)

### **Sec. 46-167. Certificate of public convenience and necessity—Prerequisite to issuance.**

No franchise shall be granted under this division until the applicant therefor has obtained a certificate of public convenience and necessity pursuant to this division. (Code 1968, § 43-35)

### **Sec. 46-168. Same—Application and accompanying data.**

(a) Any person desiring to operate a suburban bus or buses shall file with the director an application for a certificate of public convenience and necessity, which application shall contain the following information:

- (1) The name and post office address of the applicant; and if the applicant is a partnership, the name and address of the partners; and if

the applicant is a corporation, the name and places of residence of the then acting officers of such corporation.

- (2) The number of suburban buses to be operated, and the seating capacity of each of such vehicles.
- (3) The route over the streets of the city which the applicant desires to follow in the operation of such bus or buses.
- (4) The approximate number of trips daily to be made by the applicant's bus or buses over the prescribed route.
- (5) The schedule of fares to be charged by the applicant for the services rendered.
- (6) The applicant's qualifications for providing the service to be rendered.

(b) Such application shall be accompanied by supporting statements or certificates containing the following information:

- (1) A sworn financial statement showing in reasonable detail a list of all of the property and assets owned by the applicant, the fair market value thereof, the extent, if any, to which such assets may be encumbered, and the nature and amount of any and all obligations owing by such applicant.
- (2) A map or sketch in triplicate showing the proposed route to be traveled by the bus or buses operated by the applicant.
- (3) Such other information as the director may determine to be necessary to fully consider the applicant's facilities and ability to safely and satisfactorily perform the service to be rendered.

(Code 1968, § 43-36)

### **Sec. 46-169. Same—Notice of application and hearing thereon.**

(a) The director shall cause a notice of each application for a certificate of public convenience and necessity under this division to be published in one of the daily newspapers in the city for three (3) consecutive days, the cost of publishing such notice to be paid in advance by the appli-

cant. Such notice shall set forth the fact that such application has been filed, and shall state that a hearing will be held in the council chamber of the city hall, and shall designate the time, which shall be not less than five (5) days nor more than fifteen (15) days after the first publication of such notice.

(b) The director shall require that a transcript be made of the hearing at the expense of the applicant.

(Code 1968, § 43-37; Ord. No. 76-795, § 1, 5-18-76)

**Sec. 46-170. Same—Consideration of application; issuance.**

(a) The director, upon receipt of an application for a certificate of public convenience and necessity and the supporting information required by this division, shall take into consideration the merits of the application, the demands of public convenience and necessity for the service to be rendered, the financial responsibility of the applicant, the number, kind, type of equipment to be used by the applicant, and such other relevant facts as the director may deem advisable or necessary, which may throw light on the public convenience and necessity.

(b) If the director finds from his investigation, and after a hearing that the public convenience and necessity justify the operation of the suburban bus or buses for which the certificate is desired, the director shall issue a certificate that the public necessity and convenience will be served by permitting the operation by the applicant of the number and type of buses set forth in his application, or so many thereof as the director finds the public necessity and convenience demand, along the routes and upon the schedules proposed by the applicant.

(Code 1968, § 43-38)

**Sec. 46-171. Same—Appeals by applicant.**

(a) If any applicant for a certificate of public convenience and necessity under this article is dissatisfied with the decision rendered by the director, such applicant shall have the right of appeal to the mayor and city council, which appeal shall be perfected by his delivering to the city secretary a letter addressed to the mayor and city

council, stating that an appeal from the decision of the director to the council is desired. The city council, within ten (10) days after receiving such notice of appeal from the findings of the director, shall grant the applicant a hearing, and after such hearing may sustain, reverse or modify the decision made by the director.

(b) The council's decision shall be certified to the director and should such decision be in favor of granting an application theretofore denied by the director, or of granting an applicant a certificate for the operation of more buses or upon other schedules than those approved by the director, the director shall then issue the certificate of public necessity and convenience in accordance with the decision of the council. If, however, in the first instance, no appeal is taken from the decision made by the director within the time provided, such decision shall be final.

(Code 1968, § 43-39)

**Sec. 46-172. General manner of granting.**

(a) All franchises required by this article shall be granted pursuant to the provisions of the charter, and in particular the provisions of sections 17 and 18 of article II of the charter.

(b) When a certificate of public convenience and necessity has been issued pursuant to the terms of this article, a franchise required by this article may be granted by ordinance of the city council, which franchise and ordinance shall be passed pursuant to and in conformity with all of the provisions of the charter of the city and in particular with the provisions of sections 17 and 18 of article II thereof.

(Code 1968, § 43-40)

**Sec. 46-173. Contents of ordinance.**

An ordinance granting a franchise under this division shall set forth the number of buses and capacity thereof which may be operated thereunder, the routes to be traveled and the schedules to be observed, but shall contain provisions authorizing the director, under such rules and regulations as he may adopt subject to the approval of council, to permit such variations in the routes and schedules and assignment of buses as may from time to time be proper. Such franchise ordi-

nance shall provide that it shall not become effective unless, within the time provided in such ordinance for its becoming effective, the person to whom the franchise is granted shall have paid to the director the franchise fees established in this division for one year's operation.  
(Code 1968, § 43-41)

**Sec. 46-174. Deposit to cover cost of publication of ordinance.**

Before a franchise or franchise ordinance provided for by this division is published as required by the provisions of the charter, the applicant therefor shall deposit with the city secretary the amount which the city secretary may ascertain will be the cost of such publication. After such publication has been ordered, the applicant shall not be entitled to have refunded any part of such deposit which is made to secure the cost of publication except such part thereof, if any, as is not expended for that purpose.  
(Code 1968, § 43-42)

**Sec. 46-175. Fee.**

(a) The annual fee for a franchise required by this division shall be as follows:

- (1) For each suburban bus to be operated, having a seating capacity of 30 or more, the sum of \$150.00.
- (2) For each suburban bus to be operated, having a seating capacity of more than 24 and less than 30, the sum of \$120.00.
- (3) For each suburban bus to be operated, having a seating capacity of more than 19 and less than 25, the sum of \$100.00.
- (4) For each suburban bus to be operated, having a seating capacity of more than 14 and less than 20, the sum of \$90.00.
- (5) For each suburban bus to be operated, having a seating capacity of less than 15, the sum of \$75.00.

(b) The franchise fees provided for hereunder and to be provided for in such franchise ordinance shall be paid on an annual basis and if the holder of any franchise shall not, on or before the expiration of one year from the date of issue thereof,

pay in advance the franchise fee for the succeeding year, such franchise shall thereupon terminate and come to an end.

(c) If a franchise is not finally granted, the applicant shall be entitled to a refund of the amount he has paid as the franchise fee for the first year.

(Code 1968, § 43-43)

**Sec. 46-176. Transfer.**

A franchise granted under this division shall be personal to the person to whom it is granted and shall not be transferred except subject to such terms as the council may include in the franchise ordinance.

(Code 1968, § 43-44)

**Secs. 46-177—46-190. Reserved.**

**ARTICLE IV. SIGHTSEEING, CHARTER  
AND CHAUFFEURED LIMOUSINE  
SERVICES\***

**DIVISION 1. GENERALLY**

**Sec. 46-191. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Chauffeured limousine* shall mean:

- a. A sedan-type luxury motor vehicle with a passenger capacity of five or

**\*Editor's note**—Section 5 of Ord. No. 00-960 states that: With the exception of section 46-239 of the Code of Ordinances, Houston, Texas, all provisions of this article shall become effective immediately upon its passage and approval by the Mayor. The provisions of section 46-239 of the Code of Ordinances, Houston, Texas, shall become effective on the ninetieth day next following the date of passage and approval of this ordinance. Immediately following the passage and approval of this ordinance, the director of finance and administration or her designee shall commence accepting and processing applications for limousine driver licenses under section 46-239 and may issue temporary licenses or take such other administrative actions as may be desirable to implement that section in an effective manner.